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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 SECURITIES AND EXCHANGE COMMISSION,

15 Plaintiff,

16 vs.

17 DAVID SCOTT CACCHIONE,

18 Defendant.
19
20

Case No. CV-09-1259 CRB

STIPULATION AND ~~PROPOSED~~ ORDER
TO EXTEND THE DEADLINE FOR THE
INITIAL CASE MANAGEMENT
CONFERENCE

[Civ. L.R. 7-12]

21
22 WHEREAS, the Securities and Exchange Commission ("Commission") brought the above-
23 titled action against David Scott Cacchione ("Cacchione") on March 24, 2009;

24 WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by
25 the Commission against Cacchione on March 31, 2009;

26 WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement
27 and civil penalty to be imposed against Cacchione;
28

1 WHEREAS, Cacchione is scheduled to be sentenced in a related criminal action, *United*
2 *States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009, and such
3 sentence may include a prison term and restitution order;

4 WHEREAS, any restitution order imposed as part of Cacchione's criminal sentence may
5 relate to the monetary relief sought by the Commission;

6 WHEREAS, an initial Case Management Conference is scheduled to occur in the above-titled
7 matter on Friday, July 17, 2009 at 8:30 a.m. in this Court; and

8 WHEREAS, in the interest of efficiency, the parties seek to extend the date of the initial Case
9 Management Conference until October 2, 2009, at which time Del Biaggio's criminal sentence will
10 be known, and the Commission can more fully consider what additional remedies, if any, it will seek.

11 IT IS SO STIPULATED.

12 Dated: June 18, 2009

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14 /s/

15 Marc J. Fagel
16 Mark P. Fickes
17 Kristin A. Snyder

18 Attorneys for Plaintiff
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24 Dated: June 25, 2009

25
26 /s/

27 David Scott Cacchione
28 11 Haciendas Drive
Woodside, CA 94062
Telephone: (650) 906-3620
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PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, July 17, 2009 to Friday, October 2, 2009.

Dated: June 30, 2009

Charles R. Breyer
United States District Court

